

Public Law 97-140
97th Congress

An Act

To authorize the Secretary of the Army to contract with the Tarrant County Water Control and Improvement District Numbered 1 and the city of Weatherford, Texas, for the use of water supply storage in Benbrook Lake, and for other purposes.

Dec. 29, 1981

[H.R. 779]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for municipal use of storage water in Benbrook Dam, Texas" approved July 24, 1956 (70 Stat. 632) (as amended by section 6 of Public Law 91-282 (84 Stat. 312) and section 9 of Public Law 92-222 (85 Stat. 799)), is amended—

Benbrook Lake,
Tex.
Water supply
storage.

(1) in the first sentence, by inserting "and with the Tarrant County Water Control and Improvement District Numbered 1, the city of Grandbury, and with the city of Weatherford," after "Benbrook Water and Sewer Authority,";

(2) in the second sentence, by inserting "or the Tarrant County Water Control and Improvement District Numbered 1, the city of Grandbury, or the city of Weatherford" after "Benbrook Water and Sewer Authority"; and

(3) by adding at the end thereof the following new sentence: "To the extent consistent with the authorized purposes of the project, the Secretary of the Army is authorized to contract with the Tarrant County Water Control and Improvement District Numbered 1 to provide for the use by such district of terminal storage in the Benbrook Reservoir for water of such district delivered into the Benbrook Reservoir from other sources."

SEC. 2. (a) The third sentence of section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended to read as follows: "Not more than \$4,000,000 shall be allotted under this section for a project at any single locality."

(b) The amendment made by this section shall not apply to any project under contract for construction on the date of enactment of this Act.

33 USC 701s
note.

SEC. 3. Section 164 of the Water Resources Development Act of 1976 (Public Law 94-587) is amended by deleting the figure "\$21,000,000" and inserting in lieu thereof "\$23,200,000".

SEC. 4. The Secretary shall relocate the water supply intake facility on the Missouri River at Springfield, South Dakota, which facility is subject to severe sedimentation, at an estimated cost of \$2,190,000.

SEC. 5. (a) The proviso of section 2 of Public Law 84-485 shall not be construed to prohibit the storage of San Juan-Chama project water acquired by contract with the Secretary of the Interior pursuant to Public Law 87-483 in any reservoir, including the storage of water for recreation and other beneficial purposes by any party contracting with the Secretary for project water.

San Juan-
Chama water
storage project.
43 USC 620a
note.

(b) The Secretary of the Army, acting through the Chief of Engineers, is authorized to enter into agreements with entities which have contracted with the Secretary of the Interior for water from the San Juan-Chama project pursuant to Public Law 87-483 for storage of

Abiquiu
Reservoir.

Elephant Butte
Reservoir.

16 USC 460d
note.

a total of two hundred thousand acre-feet of such water in Abiquiu Reservoir. The Secretary of the Interior is hereby authorized to release San Juan-Chama project water to contracting entities for such storage. The agreements to thus store San Juan-Chama project water shall not interfere with the authorized purposes of the Abiquiu Dam and Reservoir project and shall include a requirement that each user of storage space shall pay any increase in operation and maintenance costs attributable to the storage of that user's water.

(c) The Secretary of the Interior is authorized to enter into agreements with entities which have contracted with the Secretary of the Interior for water from the San Juan-Chama project pursuant to Public Law 87-483 for storage of such water in Elephant Butte Reservoir. The Secretary of the Interior is hereby authorized to release San Juan-Chama project water to contracting entities for such storage. Any increase in operation and maintenance costs resulting from such storage not offset by increased power revenues resulting from that storage shall be paid proportionately by the entities for which the San Juan-Chama project water is stored.

(d) The amount of evaporation loss and spill chargeable to San Juan-Chama project water stored pursuant to subsections (b) and (c) of this section shall be accounted as required by the Rio Grande compact and the procedures established by the Rio Grande Compact Commission.

SEC. 6. Notwithstanding any other provision of law, no houseboat, floating cabin, marina (including any with sleeping facilities), or lawfully installed dock or cabin and appurtenant structures shall be required to be removed before December 31, 1989, from any Federal water resources reservoir or lake project administered by the Secretary of the Army, acting through the Chief of Engineers, on which it was located on the date of enactment of this Act, if such property is maintained in usable condition, and, in the judgment of the Chief of Engineers, does not occasion a threat to life or property.

Approved December 29, 1981.

LEGISLATIVE HISTORY—H.R. 779:

HOUSE REPORT No. 97-95 (Comm. on Public Works and Transportation).
CONGRESSIONAL RECORD, Vol. 127 (1981):

June 1, considered and passed House.

Dec. 16, considered and passed Senate, amended; House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 17, No. 53 (1981):
Dec. 29, Presidential statement.